



**US Army Corps
of Engineers.**

Vicksburg District
4155 Clay Street
Vicksburg, MS 39183-3435
www.mvk.usace.army.mil

General Permit

FILE NO. General Permit - 34
DATE: September 30, 2009
EXPIRES: September 30, 2014

FOR: BARGE LOADING AND UNLOADING OF NONHAZARDOUS MATERIAL

WHERE: REGULATORY JURISDICTION OF THE VICKSBURG DISTRICT IN
ARKANSAS, LOUISIANA, AND MISSISSIPPI

BY WHOM: DISTRICT ENGINEER, VICKSBURG DISTRICT, ON BEHALF OF
THE GENERAL PUBLIC

The Vicksburg District is hereby issuing a Department of the Army General Permit for barge loading and unloading of nonhazardous substances on navigable waters within the regulatory jurisdiction of the Vicksburg District. Earthen ramps for barge loading and unloading activities are widely used on navigable waters within the regulatory jurisdiction of the Vicksburg District for loading and unloading goods (primarily logs). A map of the Vicksburg District is enclosed (enclosure 1).

This General Permit contains certain limitations intended to protect the environment and natural and cultural resources. Conformance with conditions contained in the General Permit does not necessarily guarantee authorization under this General Permit. In cases where the District Engineer considers it necessary, application will be required for individual permits. Construction, dredging, or fill operations not specifically covered by this General Permit are prohibited unless authorized by a separate permit.

This action is being taken pursuant to Federal regulations printed in the Federal Register on November 13, 1986, concerning permits for activities in waters of the United States. These regulations state the U.S. Army Corps of Engineers' responsibility for regulating structures or work in or affecting waters of the United States under Section 10 of the Rivers and Harbors Act of 1899 (30 Stat. 1151; 33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

General Permits may be issued for a category or categories of activities when: (1) those activities are substantially similar in nature and cause only minimal individual and cumulative environmental impacts; or (2) the General Permit would result in avoiding unnecessary duplication of the regulatory control exercised by another Federal, state, or local agency, provided it has been determined that the environmental consequences of the action are individually and cumulatively minimal. The determination that the proposed activities comply with the requirements for issuance of General Permits was made using information that is available for inspection at the offices of the Vicksburg District's Regulatory Branch at 4155 Clay Street, Vicksburg, Mississippi.

In compliance with requirements of Section 401 of the Clean Water Act, the Vicksburg District has obtained water quality certifications from the Mississippi Department of Environmental Quality, the Louisiana Department of Environmental Quality, and the Arkansas Department of Environmental Quality, stating that the work authorized by the proposed General Permit will not violate applicable provisions of Sections 301, 302, 306, and 307 of the Act. Copies of the certifications with required conditions are enclosed (enclosure 2).

Authorization to conduct work under this General Permit will not negate the responsibility of the applicant to obtain other State or local authorizations or permits required by law for the proposed activity.

REQUEST FOR AUTHORIZATION UNDER THE GENERAL PERMIT: IN ORDER TO BE AUTHORIZED BY THIS GENERAL PERMIT, PERSONS PROPOSING THE WORK ARE REQUIRED TO SUBMIT TO THE DISTRICT ENGINEER, IN WRITING, THE FOLLOWING INFORMATION AT LEAST 45 DAYS PRIOR TO CONDUCTING THE WORK:

- a. State the number of the General Permit under which the work is to be conducted. (General Permit-34)
- b. Statement that the work will be conducted in compliance with the terms and conditions of the General Permit and will not adversely impact adjoining properties.
- c. Location map showing the proposed worksite (including section, Township, Range, County or Parish, and State).
- d. Drawing(s) of any proposed structures, including dimensions and amounts of excavated and fill material in cubic yards.
- e. A brief description of the present condition of the project site.

- f. A brief description of the proposed activity, its purpose, and intended use.
- g. Type of commodity to be loaded or unloaded.
- h. Number and approximate size of barges involved.
- i. Estimated starting and completion dates of construction.
- j. Name, mailing address, and telephone number of (person/agency) applying for authorization.
- k. If the activity will occur within the Coastal Zone area of Louisiana or Mississippi, the complete application shall also include a coastal zone approval from the appropriate State agency (see Special Condition 'h.').

Upon receipt of this information, the District Engineer will advise the inquiring party, in writing, either that the work is authorized under the General Permit; will request additional information, if needed; or will advise that the proposed activity will require an individual permit.

Special Conditions:

- a. The authorized structures shall not extend into the channel of the receiving stream so as to interfere with navigation (including recreational boating) or adversely affect the flow-carrying capacity of the receiving stream. The use of the structure shall not interfere with navigation.
- b. The amount of excavated or fill material used in a single operation shall not exceed 100 cubic yards. In Louisiana: if any fill is to be removed from a State of Louisiana water body, the applicant must contact the Louisiana Department of Wildlife and Fisheries for fee requirements prior to conducting the work.
- c. Material used for fill may be obtained from site preparation. Additional fill shall be obtained from an upland source and must be nonpolluting, in conformance with i., below.
- d. No activity which may adversely impact a site listed in, or eligible for listing in, the National Register of Historic Places shall be allowed by this General Permit. Additional material shall not be taken from a known historical or archaeological site, such as an Indian Mound. If the permittee, during prosecution of work authorized herein, encounters a previously unidentified archaeological or other cultural resource within the area subject to Department of Army jurisdiction, he shall immediately notify the District Engineer. The District Engineer, in consultation with the appropriate State Historic

Preservation Officer and the Tribal Archaeologists, will comply with 33 CFR 325, Appendix C, paragraph 11 (Historic Properties Discovered During Construction).

e. If the activities are conducted over revetted areas of the river, sufficient fill material shall be placed on top of the revetment for protection. This General Permit will not authorize barge mooring activities, involving spuds or other objects that could damage the revetment. If damage to revetment occurs, the permittee will be required to make necessary repairs at his own expense. These repairs must meet specifications designated by the District Engineer.

f. Persons conducting work under this General Permit will be required to comply with applicable navigation regulations. If the display of lights and signals on activities authorized by the General Permit is not otherwise required by law, such lights and signals as may be prescribed by the U.S. Coast Guard shall be installed and maintained at the expense of the permittee.

g. The discharge shall not occur in a component of the National Wild and Scenic River System, or in a component of a State Natural and Scenic River System, without the appropriate Federal or State authorization.

h. The discharge shall not occur in a Coastal Zone Management area without the appropriate State authorization. The coastal zone approval shall be submitted with the request for authorization under this General Permit. In order to be authorized by this General Permit for work in Hancock County, Mississippi, or St. Tammany Parish, Louisiana, persons proposing work are required to send complete plans to the appropriate state at one of the following addresses:

Mississippi Department of Marine Resources
Suite 101
1141 Bayview Avenue
Biloxi, Mississippi 39530

Louisiana Department of Natural Resources
Coastal Management Division
Post Office Box 44487
Baton Rouge, Louisiana 70804-4487

i. Dredged, excavated, or fill material used for construction shall be nonpolluting material, in accordance with the Environmental Protection Agency Guidelines for the Discharge of Dredged or Fill Material found in 40 CFR 230.

j. All construction activities shall be performed using Best Management Practices to minimize increased turbidity of the water in the work area and otherwise avoid adverse effects on water quality and aquatic life, especially during fish spawning seasons.

k. Stream embankments shall be stabilized or restored after construction activities are completed.

l. All material not used as backfill shall be placed upland, and no runoff water from these disposal sites will be allowed to enter the waterway or adjacent wetlands.

m. The discharge shall not be located so as to adversely affect a public water supply intake or a national fish hatchery intake.

n. The discharge shall not contain unacceptable levels of pathogenic organisms in areas used for sports involving physical contact with the water.

o. The discharge shall not occur in areas of concentrated shellfish production.

p. No activity that is likely to adversely affect Federally-listed threatened or endangered species, or that is likely to destroy or adversely modify the critical habitat of such species, is authorized under this General Permit.

q. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.

r. The activity shall not occur in tidal waters or in areas containing tidally-influenced wetlands or vegetated shallows. (Note: In Vicksburg District, tidal influence is generally restricted to areas south of Interstate 10 in Hancock County, Mississippi and St. Tammany Parish, Louisiana).

General Conditions:

a. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition b. below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this authorization from this office, which may require restoration of the area.

b. If you sell the property associated with the authorization under this General Permit, you must contact this office so that the authorization can be transferred to the new owner.

c. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

d. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.

e. This permit does not grant any property rights or exclusive privileges.

f. This permit does not authorize any injury to the property or rights of others.

g. This permit does not authorize interference with any existing or proposed Federal project.

h. In issuing this permit, the Federal Government does not assume any liability for the following:

(1) Damages to the permitted project, or uses thereof, as a result of other permitted or unpermitted activities or from natural causes.

(2) Damages to the permitted project, or uses thereof, as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

(3) Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

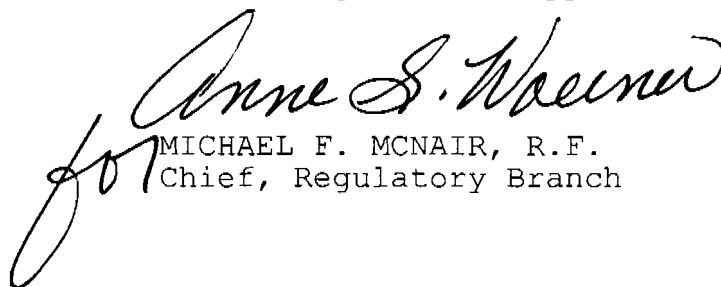
(4) Design or construction deficiencies associated with the permitted work.

(5) Damage claims associated with any future modification, suspension, or revocation of this permit.

i. In issuing individual authorization under this General Permit, the Government will rely on the information and data which the permittee provides in connection with his permit application. If, subsequent to the authorization, such information and data prove to be false, incomplete, or inaccurate, this authorization may be modified, suspended, or revoked, in whole or in part, and/or the Government may, in addition, institute appropriate legal proceedings.

j. This General Permit is valid for 5 years. At the end of that time, the cumulative environmental effects of completed work will be reviewed and reissuance of the permit may be considered. However, if unforeseen adverse environmental effects result from the issuance of this General Permit, it may be modified or terminated at any time.

Additional copies of this notice are available upon request from this office. Requests may be addressed to the USAED, ATTN: CEMVK-OD-FP, 4155 Clay Street, Vicksburg, Mississippi 39183-3435.


for MICHAEL F. MCNAIR, R.F.
Chief, Regulatory Branch

Enclosures

[illegible]

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ADEQ

ARKANSAS

Department of Environmental Quality

August 24, 2009

Colonel Michael C. Wehr, District Engineer
U.S. Army Corps of Engineers
4155 Clay Street
Vicksburg, MS 39183-3435

RE: Public Notice: Re-issuance of General Permit 34: MVK-2009-851

Dear Colonel Wehr:

The Arkansas Department of Environmental Quality ("ADEQ") has completed its review of the above referenced public notice for re-issuance of the U.S. Army Corps of Engineers General Permit 34 for the State of Arkansas.

ADEQ has determined that there is a reasonable assurance that this activity will be conducted in a manner which, according to the Arkansas Pollution Control and Ecology Commission's Regulation No. 2, will not physically alter a significant segment of a waterbody and will not violate the water quality criteria.

Pursuant to §401(a)(1) of the Clean Water Act, the ADEQ hereby issues water quality certification for this project contingent upon the following conditions:

- 1) Individual Water Quality Certification requests must be submitted to ADEQ for any activity impacting Extraordinary Resource Waters, Ecologically Sensitive Waters, and Natural and Scenic Waters as identified in Regulation # 2.
- 2) The applicant shall contact ADEQ for a Short Term Activity Authorization needs determination for activities that have the potential to violate water quality criteria.
- 3) The applicant shall comply with NPDES Storm Water Program requirements.

Please contact Bob Singleton of the Water Division at (501) 682-0645 if you have any questions regarding this certification.

Sincerely,



Teresa Marks
Director

cc: Mr. David Lofton, Chief, Permits Section, Regulatory Branch, Vicksburg COE
Mr. Mike Stewart, Evaluator, Permits Section, Vicksburg COE
Wanda Boyd, Region VI, Environmental Protection Agency

ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY

5301 NORTHSHORE DRIVE / NORTH LITTLE ROCK / ARKANSAS 72118-5317 / TELEPHONE 501-682-0744 / FAX 501-682-0880

www.adeq.state.ar.us

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BOBBY JINDAL
GOVERNOR



HAROLD LEGGETT, Ph.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
ENVIRONMENTAL SERVICES

AUG 21 2009

U.S. Army Corps of Engineers- Vicksburg District
Regulatory Branch (CEMVK-OD-FP)
4155 Clay Street
Vicksburg, MS 39183-3435

Attention: Mike Stewart

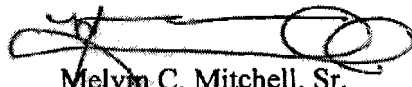
RE: Water Quality Certification (WQC 040316-03/AI 120958/CER 20090002)
Corps of Engineers Permit (MVK-2009-851)
Renewal of Vicksburg District General Permit #34

Dear Mr. Stewart:

The Department has reviewed your application to extend the time limit of activities covered under Vicksburg District General Permit #34 for an additional five years.

The requirements for Water Quality Certification have been met in accordance with LAC 33:IX.1507.A-E. Based on the information provided in your application, we have determined that the placement of the fill material will not violate the water quality standards of Louisiana provided for under LAC 33:IX.Chapter 11. Therefore, the Department has issued a Water Quality Certification.

Sincerely,


Melvin C. Mitchell, Sr.
Administrator
Water Permits Division
MCM/jjp



STATE OF MISSISSIPPI
HALEY BARBOUR
GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
TRUDY D. FISHER, EXECUTIVE DIRECTOR

September 25, 2009

Certified Mail No. 7008 0500 0001 7046 6817
Colonel Michael Wehr
District Engineer, Vicksburg District
Department of Army, Corps of Engineers
4155 Clay Street
Vicksburg, Mississippi 39183-3435

Dear Colonel Wehr:

Re: US Army COE, Vicksburg
District, General Permit 34
Warren County
COE No. MVK-2009-851
WQC No. WQC2009051

Pursuant to Section 401 of the Federal Water Pollution Control Act (33 U. S. C. 1251, 1341), the Office of Pollution Control (OPC) issues this Certification, after public notice and opportunity for public hearing, the US Army COE, Vicksburg District, an applicant for a Federal License or permit to conduct the following activity:

US Army COE, Vicksburg District, General Permit 34: Proposed reissuance of General Permit No. 34 for regulated activities associated with barge loading and unloading of nonhazardous substances in navigable waters within the regulatory jurisdiction of the Vicksburg District. Earthen ramps for barge loading and unloading activities are widely used on navigable waters within the regulatory jurisdiction of the Vicksburg District for loading and unloading goods (primarily logs). This GP does not cover activities south of I-10 [MVK-2009-851, WQC2009051].

The Office of Pollution Control certifies that the above-described activity will be in compliance with the applicable provisions of Sections 301, 302, 303, 306, and 307 of the Federal Water Pollution Control Act and Section 49-17-29 of the Mississippi Code of 1972, if the applicant complies with the following conditions:

1. The loading and/or unloading of waste materials (hazardous or nonhazardous) shall not be allowed without the approval of the

SEP 25 2009

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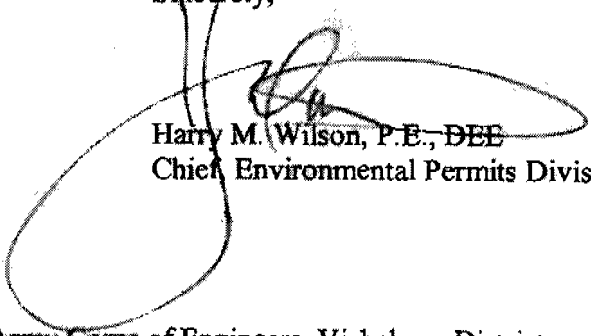
Colonel Michael Wehr
Page 2 of 2
September 29, 2009

Mississippi Department of Environmental Quality, Office of Pollution Control.

2. Activities in tidal waters or tidally influenced wetlands located south of Interstate 10 are excluded, i.e. not allowed, under General Permit No. 34.
3. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.
4. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.

The Office of Pollution Control also certifies that there are no limitations under Section 302 nor standards under Sections 306 and 307 of the Federal Water Pollution Control Act which are applicable to the applicant's above-described activity.

Sincerely,



Harry M. Wilson, P.E., DEE
Chief, Environmental Permits Division

HMW: cw

cc: Mr. Mike Stewart, U.S. Army Corps of Engineers, Vicksburg District
Ms. Willa Brantley, Department of Marine Resources
Mr. Paul Necaie, U.S. Fish and Wildlife Service
Mr. Duncan Powell, Environmental Protection Agency
Ms. Janet Riddell, Office of Budget & Fund Management